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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,361	07/23/2003	Jeremy A. Davis	200210054-1	1224

22879 7590 10/04/2005

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EXAMINER
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RODRIGUEZ, WILLIAM H

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

6

<b>Office Action Summary</b>	<b>Application No.</b> 10/626,361	<b>Applicant(s)</b> DAVIS, JEREMY A.	
	<b>Examiner</b> William H. Rodriguez	<b>Art Unit</b> 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7,13-15 and 17 is/are rejected.
- 7) ☒ Claim(s) 4,6,8-12,16 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/22/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, “*ink supply system of a printer (claim 6); imaging system comprising a supply of ink and an ink motive mechanism (claim 7)*” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

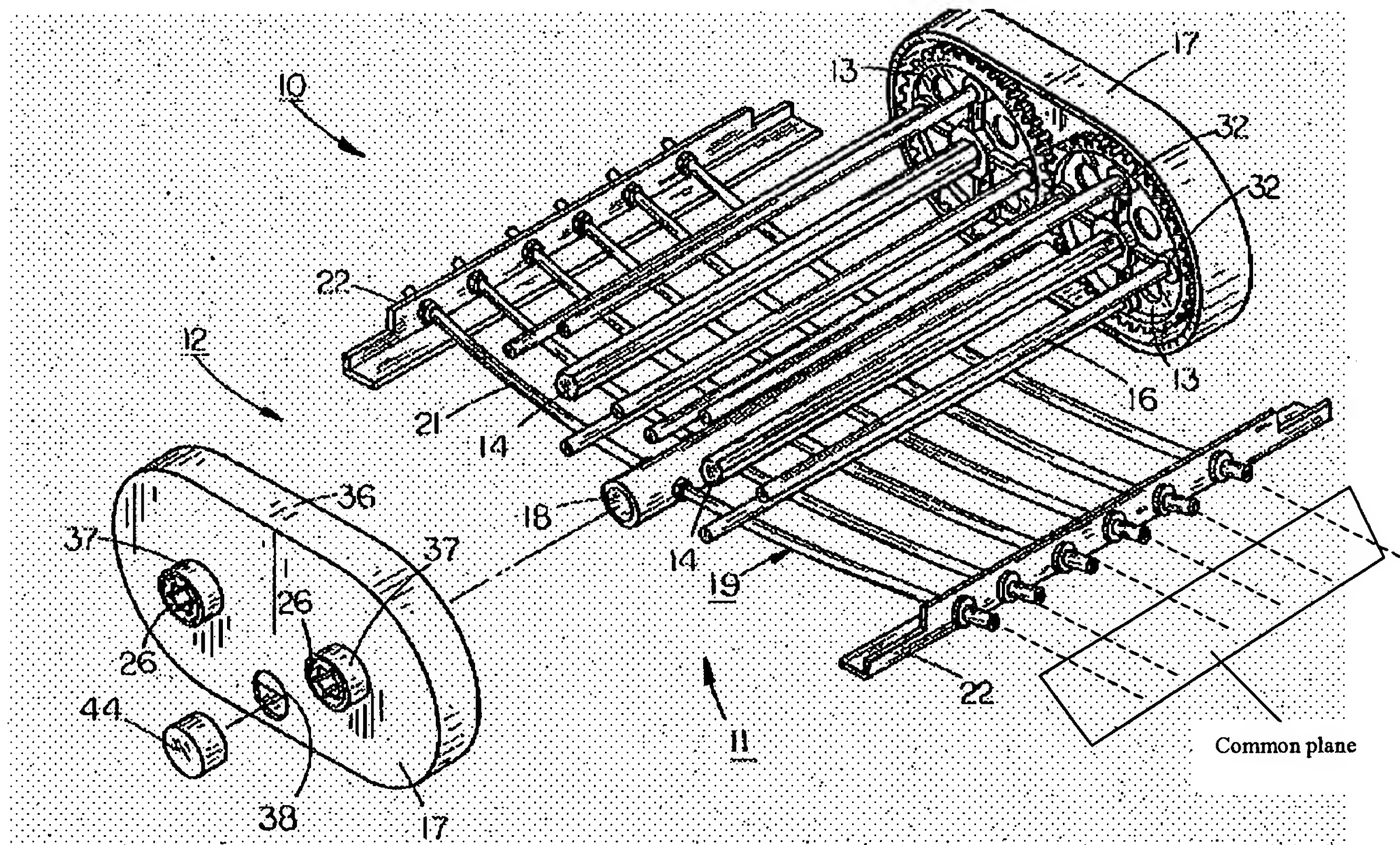
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 13-15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by **Schartz (US 4,522,570)**.



With respect to claim 1, **Schartz** teaches a pump having a rotary portion 16 which compels the movement of a fluid by peristaltic compression of resilient tubing 19 containing the fluid, a tube component comprising a plurality of adjacent resilient tubes; a web 22 interconnecting the adjacent resilient tubes. See particularly Figure above.

With respect to claim 2, **Schartz** teaches that the resilient tubes has a cross-sectional centerline occurring in a common plane, and the web interconnects the resilient tubes in an area outside of the common plane. See particularly Figure above.

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With respect to claim 3, **Schartz** teaches that the rotary portion of the pump includes a rotary area of pump operation, and the web is outside the rotary area of pump operation. See particularly Figure above:

With respect to claim 5, **Schartz** teaches that the resilient tubes 19 are fabricated from an elastomeric plastic material (inherent for this type of pumps).

With respect to claim 13, **Schartz** teaches a method of assembling a pump having a rotary portion 16 which compels the movement of a fluid by peristaltic compression of resilient tubing 19 containing the fluid comprising the following: providing a plurality of adjacent resilient tubes, and interconnecting the adjacent resilient tubes with a web 22. See particularly Figure above.

With respect to claim 14, **Schartz** teaches that providing a plurality of adjacent resilient tubes comprises providing each of the resilient tubes with a cross-sectional centerline occurring in a common plane, and interconnecting the adjacent resilient tubes with a web comprises interconnecting the resilient tubes in an area outside of the common plane. See particularly Figure above.

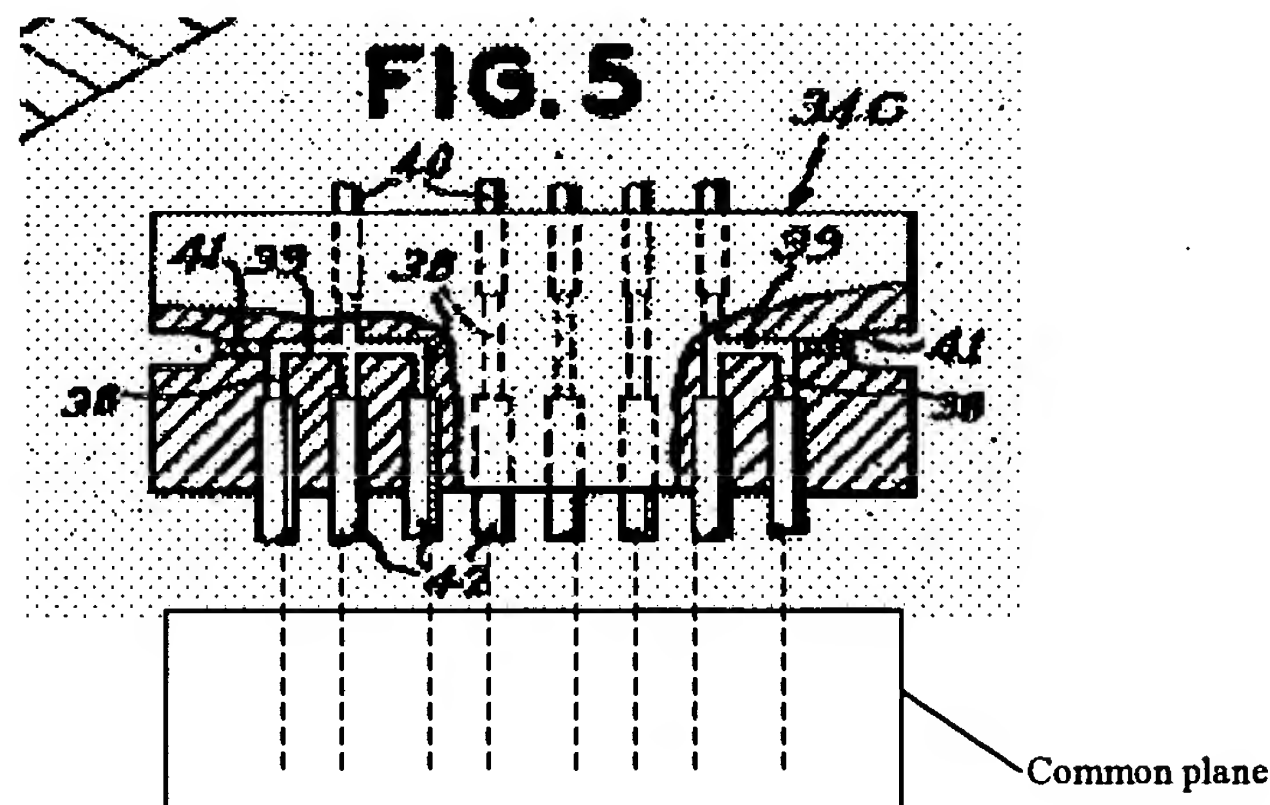
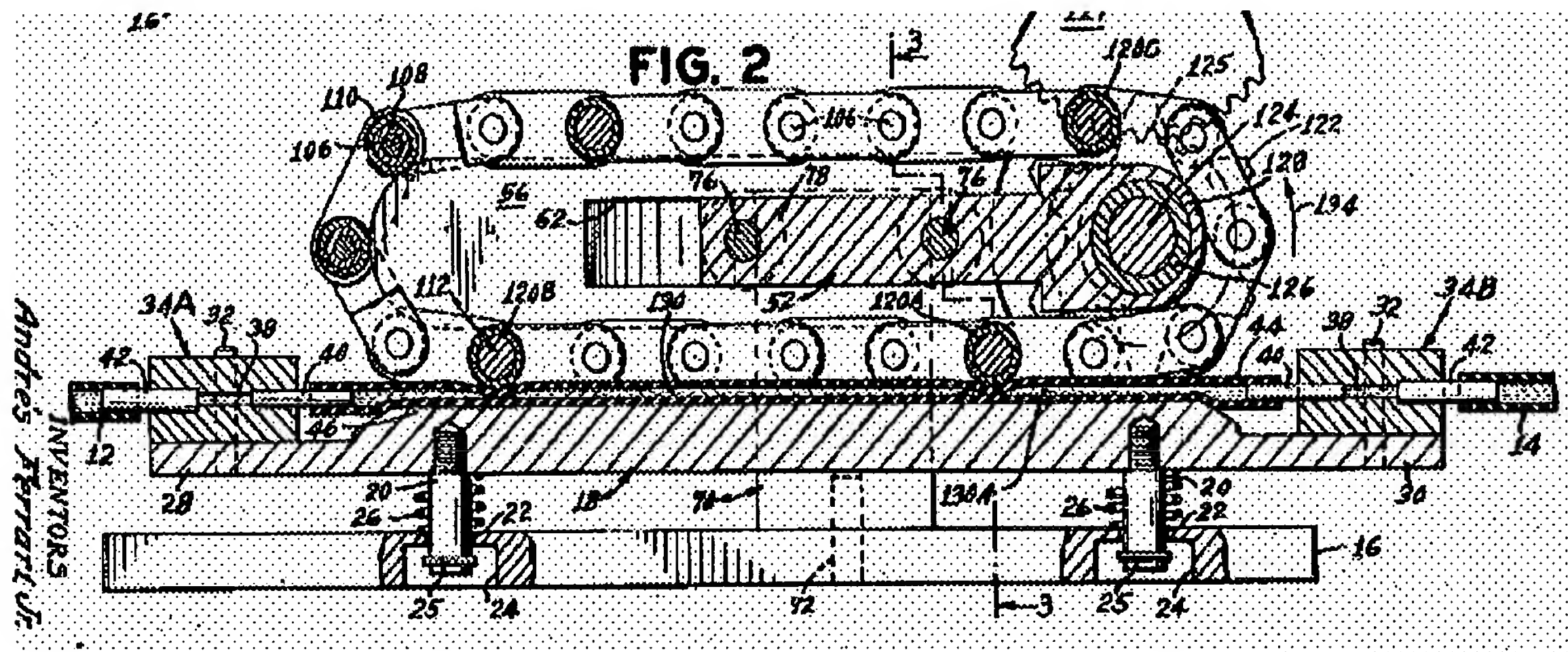
With respect to claim 15, **Schartz** teaches that the rotary portion of the pump includes a rotary area of pump operation, and interconnecting the adjacent resilient tubes with a web comprises interconnecting the resilient tubes in an area outside the rotary area of pump operation.

With respect to claim 17, **Schartz** teaches that the resilient tubes 19 are fabricated from an elastomeric plastic material (inherent for this type of pumps).



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4. Claims 1-3 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ferrari et al. (US 2,865,303).



With respect to claim 1, Ferrari teaches a pump having a rotary portion 120 which compels the movement of a fluid by peristaltic compression of resilient tubing (44, 40, 42) containing the fluid, a tube component comprising a plurality of adjacent resilient tubes; a web 34C interconnecting the adjacent resilient tubes. See particularly Figures 2, 5 above and column 4 lines 59-71 of Ferrari.

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With respect to claim 2, **Ferrari** teaches that the resilient tubes has a cross-sectional centerline occurring in a common plane, and the web interconnects the resilient tubes in an area outside of the common plane. See particularly **Figure 5** above.

With respect to claim 3, **Ferrari** teaches that the rotary portion of the pump includes a rotary area of pump operation, and the web is outside the rotary area of pump operation. See particularly **Figures 2, 5** above.

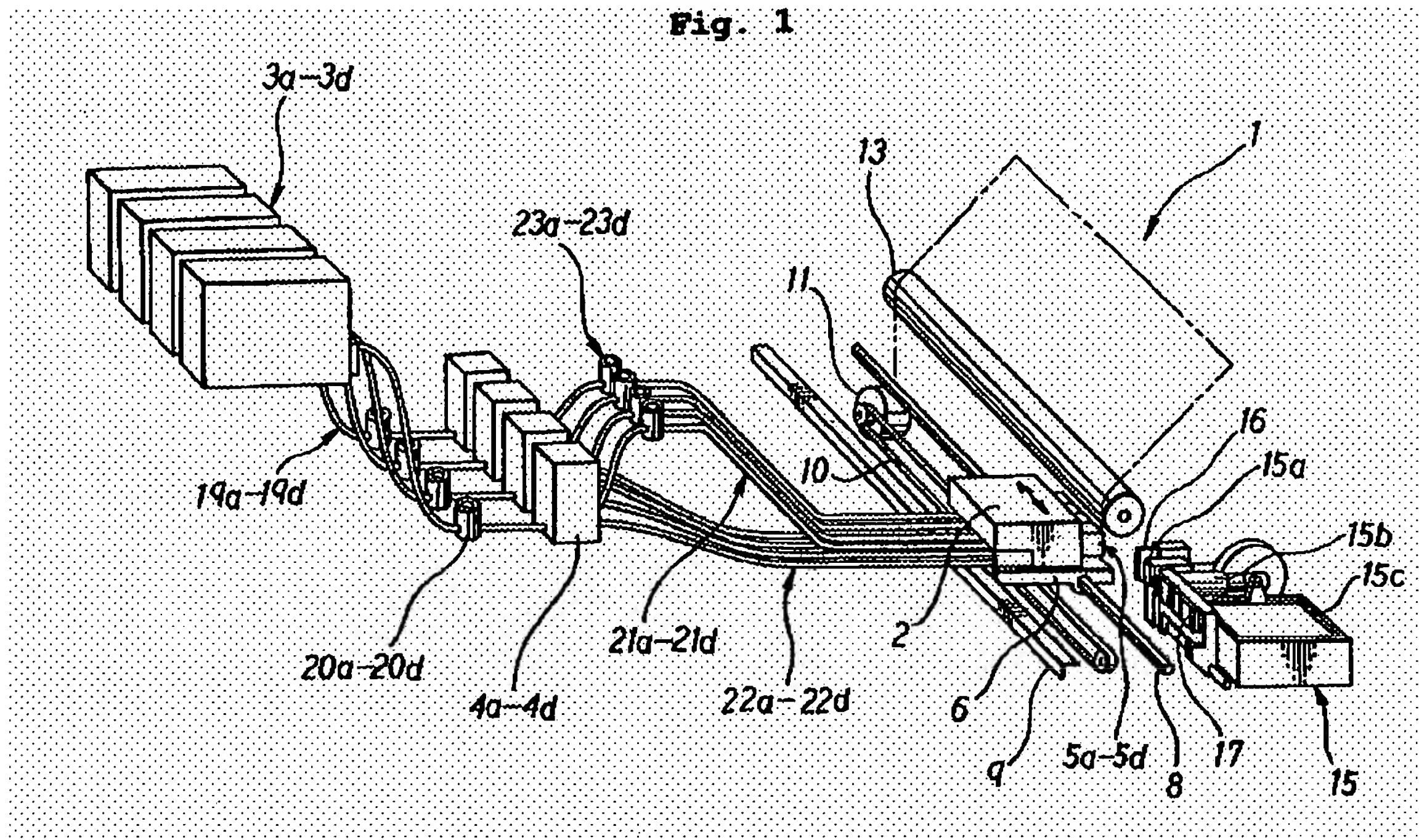
With respect to claim 13, **Ferrari** teaches a method of assembling a pump having a rotary portion 120 which compels the movement of a fluid by peristaltic compression of resilient tubing (40, 42, 44) containing the fluid comprising the following: providing a plurality of adjacent resilient tubes, and interconnecting the adjacent resilient tubes with a web 34C. See particularly **Figures 2, 5** above and column 4 lines 59-71 of Ferrari.

With respect to claim 14, **Ferrari** teaches that providing a plurality of adjacent resilient tubes comprises providing each of the resilient tubes with a cross-sectional centerline occurring in a common plane, and interconnecting the adjacent resilient tubes with a web comprises interconnecting the resilient tubes in an area outside of the common plane. See particularly **Figure 5** above.

With respect to claim 15, **Ferrari** teaches that the rotary portion of the pump includes a rotary area of pump operation, and interconnecting the adjacent resilient tubes with a web comprises interconnecting the resilient tubes in an area outside the rotary area of pump operation. See particularly **Figures 2, 5** above.

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5. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by **Hino** (US 6,217,164).



**Hino** teaches a system including a supply of ink (3a-3d) and an ink motive mechanism (4a-4d) adapted to transfer ink within the system, a tube component (21a-21d) comprising the following: a plurality of adjacent flexible tubes, each of the tubes having a first portion located within the fluid motive mechanism (21a-21d) and a second portion located outside the fluid motive mechanism, and a tube retainer 2 connecting the tubes together, the retainer being located on the second portions of the tubes and being adapted and constructed to maintain the tubes in consistent relative position. See particularly **Figures 1, 2** of Hino.



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***Allowable Subject Matter***

6. Claims 4, 6, 8-12, 16 and 18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Rodriguez whose telephone number is 571-272-4831.

The examiner can normally be reached on Monday-Friday 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
William H. Rodriguez  
Examiner  
Art Unit 3746

9/26/05